

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

LABORERS' PENSION TRUST FUND –
DETROIT & VICINITY; et al,

Plaintiffs,

v

ALTCHEM ENVIRONMENTAL SERVICES,
INC., a Pennsylvania corporation; BARRY C.
PORTNOY, individually; and JASON
GOLDBERG, individually; jointly and severally,

Case No. 2:14-cv-10263

Hon. Robert H. Cleland

Mag. Judge Paul J. Komives

Defendants.

/

CONSENT AMENDED JUDGMENT IN FAVOR OF PLAINTIFFS AND
AGAINST DEFENDANT JASON GOLDBERG, INDIVIDUALLY,
ONLY NUNC PRO TUNC EFFECTIVE APRIL 8, 2014

THIS MATTER is before the Court upon the consent of the parties, the
Court noting the consent of the parties and being advised of the following:

- a. The Clerk of the Court entered Judgment by Default against Defendant Jason Goldberg, individually (“Goldberg”), and in favor of Plaintiffs in the amount of \$108,445.41 on April 8, 2014 [Docket No. 18] (the “Default Judgment”).
- b. Plaintiffs and Defendant seek to amend the Default Judgment *nunc pro tunc* effective April 8, 2014 upon the terms set forth below.

The Court finding good cause for entry of this Judgment;

NOW THEREFORE;

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Amended Judgment is entered in favor of Plaintiffs Laborers' Pension Trust Fund-Detroit & Vicinity, *et al* ("Plaintiffs") and against Goldberg, individually, *nunc pro tunc* effective April 8, 2014 in the amount of \$108,445.41, with post-judgment interest to accrue thereon at the applicable rate pursuant to 28 U.S.C. §1961 (the "Amended Judgment Amount") and Plaintiffs shall have full rights of execution thereon.

2. This Amended Judgment is entered in favor of Plaintiffs and against Goldberg based upon all allegations set forth in Plaintiffs' complaint, including those set forth in Count I - Breach of Statutory Fiduciary Obligations.

3. By entry of this Amended Judgment against Goldberg and in accordance with the provisions of this Amended Judgment and the express acknowledgement of Goldberg, the Judgment Amount shall, in the event of a bankruptcy petition filed by or against Goldberg, represent a non-dischargeable indebtedness of Goldberg pursuant to 11 U.S.C. §523(a)(4) of the United States Bankruptcy Code, and such determination of non-dischargeability set forth herein shall be given full *res judicata* and/or collateral estoppel affect.

4. Goldberg acknowledges, by his execution of this Amended Judgment as appears below, that he has had the opportunity to review this Amended Judgment, that he understands his obligations hereunder, and that he has either consulted with counsel or has specifically chosen not to do so.

5. This Amended Judgment may be executed in any number of counterparts and by different parties to this Amended Judgment on separate counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts shall constitute one and the same Amended Judgment. All signatures to this Amended Judgment which are transmitted via facsimile and/or electronic means shall be treated as originals for all purposes.

6. This Court, together with any other court of competent or concurrent jurisdiction, shall retain jurisdiction to enforce the terms of this Amended Judgment, including, without limitation, any and all post-judgment collection actions or proceedings required by Plaintiffs to collect, execute, or otherwise enforce this Amended Judgment.

DATED: July 17, 2014

s/Robert H. Cleland

U.S. DISTRICT COURT JUDGE

[consent signatures follow on page 4]

[continued from page 3]

Agreed to, acknowledged and approved for entry, notice of entry waived:

ERMAN, TEICHER, ZUCKER & FREEDMAN, P.C.

/s/ Craig E. Zucker

CRAIG E. ZUCKER (P39907)
Counsel for Plaintiffs
400 Galleria Officentre, #444
Southfield, MI 48034
(248) 827-4100
czucker@ermanteicher.com

JASON GOLDBERG, Individually

/s/ Jason Goldberg (by consent)

Jason Goldberg, In Pro Per

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